

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:19-cv-00517

Roxanne Joganik et al.,
Plaintiffs,

v.

East Texas Medical Center et al.,
Defendants.

ORDER

Plaintiffs Roxanne Joganik and Darlina Anthony, proceeding pro se and *in forma pauperis*, filed this action alleging violations of their civil rights and various federal statutes. Doc. 1. The case was referred to United States Magistrate Judge K. Nicole Mitchell pursuant to 28 U.S.C. § 636(b). Doc. 3.

Defendant filed a motion to dismiss. Doc. 56. On December 14, 2021, the magistrate judge issued a report recommending that the motion be granted in part. Doc. 91. The magistrate judge recommended that the complaint be dismissed with prejudice for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B) as to plaintiff Anthony, and that plaintiff Joganik be allowed one final opportunity to amend the complaint, limited in scope, to the § 1557 claim. Doc. 91. Plaintiffs filed a motion to amend, construed as written objections, stating that as a female, plaintiff Anthony is entitled to relief under § 1557, and alleging that defendant discriminated against plaintiff Anthony due to her association with plaintiff Joganik. Doc. 94.


The court reviews objected-to portions of the report and recommendation de novo. Fed. R. Civ. P. § 72; 28 U.S.C. § 636(b)(1). The magistrate judge recommended granting dismissal because plaintiffs' pleadings failed to allege facts showing a legal basis for relief. Doc. 91. In their objections, plaintiffs reiterate the same arguments made in their complaint. Doc. 94.

Having reviewed the magistrate judge's report de novo, and being satisfied that it contains no error, the court overrules plaintiff's

objections (Doc. 94) as meritless and accepts its findings and recommendation. To the extent that plaintiffs also request to amend their complaint, that is denied without prejudice to refile in compliance with this order. Doc. 94. The court grants in part the motion to dismiss (Doc. 56) and dismisses with prejudice all claims, except for Plaintiff Joganik's claim under § 1557.

The court further orders Plaintiff Joganik to file her amended complaint, limited to the § 1557 claim. Plaintiff should file a separate document that alleges the necessary elements of a § 1557 claim within seven days of receipt of this order.

So ordered by the court on January 25, 2022.



J. CAMPBELL BARKER
United States District Judge